REMARKS/ARGUMENTS

Applicant has herein amended claims 1, 2, 5, 6, and 9-11. Applicant has added claims 13 and 14. Claims 1-14 will be pending in the application after entry of this amendment. No additional fee is due. Applicant hereby requests reconsideration in view of the foregoing amendments and the remarks made below.

The Examiner has objected to the specification due to informalities with respect to referenced applications listed in paragraph [0002]. Applicant has corrected the informalities. In addition, the Applicant has amended paragraph [0012] of the specification to correct a typographical error discovered by Applicant's attorney. Particularly, the words "and measurement system" were inadvertently copied into the specification when it was being drafted and have now been removed. This error is apparent since there is no "measurement system" discussed anywhere else in the application. No new matter is added to the application by this change. Applicant trusts that the above corrections will meet with the Examiner's approval.

In the present action, the Examiner has rejected claims 5-8 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Applicant has amended the preamble of claim 5 to expressly recite a "medium" on which the computer program code can be embodied. Claims 6, 7, and 8 incorporate the above change through dependency. Support for the above recitation can be found in the specification in paragraph [0041]. Applicant submits that claims 5-8 now meet the requirements of 35 U.S.C. § 101.

The Examiner has rejected claims 1, 3, 9, 11, and 12 under 35 U.S.C. § 102(b) in view of an article by Iyengar et. al. entitled "An Analysis of Web Server Performance." In order for a claim to be anticipated, the cited reference must teach every element of the claim, either expressly or inherently. MPEP 2131. The Examiner has cited page 1944, column 2, lines 6-19 of the Iyengar article as disclosing web servers "transmitting pages that contain both static and dynamic content." However, Iyengar does not disclose forming a complete response to a request out of *both* static and dynamic objects. Rather, Iyengar is discussing a server which can transmit both static pages, and dynamic pages, but not a single page (response) which is a combination of static and dynamic content. Applicant's independent claims 1, 5, 9, and 11, as amended, recite that "a response that can be displayed as a combination of a dynamic protocol object and a static protocol object." This recitation is incorporated in all of Applicant's dependent claims through

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their dependency from amended claims. Support for this recitation can be found in the specification at paragraphs [0009], [0010], [0011], [0027], and [0028]. Applicant submits that all of his present claims are patentably distinguishable from Iyengar for at least this reason.

In addition to the above, Applicant notes that with respect with at least claim 9, the Examiner has cited page 1946, column 1, lines 8-12 as Iyengar as disclosing "a cache for frequently accessed dynamic pages." The cache as disclosed in claimed Applicant's application is for protocol objects, not complete web pages. Furthermore, all of Applicant's claims as amended, and some of applicant's claims originally, recite that the cache is disposed within an operating system kernel. Iyengar is silent on this feature. Applicant submits that these recitations further serve to patentably distinguish his invention as claimed from Iyengar.

The Examiner has rejected claims 2, 4, and 10 under 35 U.S.C. § 103(a) as being obvious in view of Iyengar in combination with an article by Pai et. al., namely "IO-Lite: A Unified I/O Buffering and Caching System." In order to establish the obviousness of a claim, one of the showings the Examiner must make is that all the claim limitations are taught or suggested by the prior art. MPEP 2143.03. The Examiner relies on Iyengar as previously discussed to disclose the concept of mixing static and dynamic content. Thus, the arguments recited above are also applicable to the rejection under section 103, namely, that Iyengar does not disclose forming a complete response to a request out of *both* static and dynamic objects as claimed. There is no teaching related to these recitations in Pai either; therefore the rejection under section 103 cannot stand. Further however, Pai does not disclose the concept of a cache disposed within an operating system kernel as the Examiner suggests.

Specifically with regards to Pai, the Examiner refers to page 47, lines 35-36 and page 48, lines 11, and 31-35. While the term "cache" occurs in these sections of Pai, is no mention of the cache residing in an operating system kernel. The Examiner has also pointed to page 49, lines 3-10 and 27-28 of Pai to support his 103 rejection. However, these portions of Pai simply mention both a kernel module, and a file system cache. There is no discussion or suggestion of any cache being disposed within the operating system kernel, as disclosed in the present application and recited in Applicant's claims. Thus, Applicant maintains that neither original claims 2, 4, and 10, nor any of the amended claims can be obvious in view of Iyengar in combination with Pai.

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Applicant has added claims 13 and 14 to further refine and specify the instruction execution system embodiment of his invention claimed herein. These claims are commensurate with the claims discussed above and therefore Applicant submits no new matter has been added by the addition of claims 13 and 14. Applicant trusts that the addition of claims 13 and 14 will meet with the Examiner's approval.

Applicant believes he has addressed all of the Examiner's concerns. Reconsideration and allowance is hereby requested.

Respectfully submitted,

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